

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DIEGO ALCANTARA,

Plaintiff,

v.

OFFICE OF THE SPECIAL NARCOTICS  
PROSECUTOR FOR THE CITY OF NEW  
YORK UC 133, Individually and as an  
undercover officer for the Office of the Special  
Narcotics Prosecutor for the City of New York,  
UNITED STATES DEPARTMENT OF  
JUSTICE DRUG ENFORCEMENT  
ADMINISTRATION SPECIAL AGENT  
MARK CRANE, UNITED STATES  
DEPARTMENT OF JUSTICE DRUG  
ENFORCEMENT ADMINISTRATION  
SPECIAL AGENT JOHN OLDANO,  
UNITED STATES DEPARTMENT OF  
JUSTICE DRUG ENFORCEMENT  
ADMINISTRATION SPECIAL AGENT  
MICHAEL DELLAMARA, and UNITED  
STATES DEPARTMENT OF JUSTICE  
DRUG ENFORCEMENT  
ADMINISTRATION Group Supervisor  
NICHOLAS CARUSO, all individual USDOJ  
DEA Defendants are being sued in their  
individual capacities,

Defendants.

ECF Case

No. 07 Civ. 6480 (JGK)

**DECLARATION OF DRUG  
ENFORCEMENT  
ADMINISTRATION  
SPECIAL AGENT  
NICHOLAS CARUSO**

Nicholas Caruso, pursuant to 28 U.S.C. § 1746, declares the following under penalty of perjury:

1. I am Associate Special Agent in Charge of the Organized Crime Drug Enforcement Strike Force with the United States Department of Justice, Drug Enforcement Administration ("DEA"). I have been employed as a Special Agent with DEA for 23 years.
2. In October 2001, I was the Group Supervisor of DEA New York Division Group D-31. I understand that on or about October 15, 2001, a confidential source informed a member

of Group D-31 that an individual affiliated with a Colombian money-laundering organization was seeking to launder approximately \$150,000 in United States currency. I further understand that the confidential source provided a prepaid cellular telephone number for the currency courier. I understand that arrangements were made for an undercover officer from the Office of the New York City Special Narcotics Prosecutor (the "UC") to take delivery of the currency from the courier on October 17, 2001. I had no contact with the confidential source.

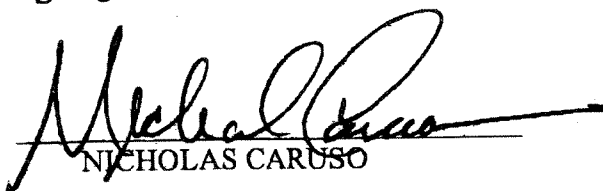
3. On October 17, 2001, a number of agents in Group D-31, who were under my supervision, conducted surveillance of the delivery of the currency. I was not part of the surveillance team, but I later came to learn that the DEA agents observed a courier deliver a black backpack to the UC that contained a large amount of United States currency.
4. Members of the surveillance team determined that the courier who delivered the currency was driving a car registered to Diego Alcantara. I signed and thus approved a Report of Investigation indicating such information.
5. Further, members of the surveillance team wrote additional Reports of Investigation describing the delivery of the currency, how the currency was marked as evidence, and how the currency was subsequently deposited into an undercover bank account, controlled by DEA, that had been set up specifically for the purpose of depositing laundered funds. I signed and thus approved six of these Reports of Investigation, but was not involved in the day-to-day conduct of the investigation in anything other than a supervisory capacity. Three of the Reports of Investigation that I approved indicated that

the courier had been "tentatively identified" as Diego Alcantara. Two others cross-referenced the report indicating that the car that the courier had been using was registered to Alcantara. The last report merely noted that Alcantara's name was recovered from the garbage of a location that the DEA had under surveillance.

6. I understand that in May 2004 a grand jury of the United States District Court for the Southern District of New York indicted Alcantara and thirty-three other individuals, charging them with drug and money-laundering offenses. A United States magistrate judge issued a warrant for Alcantara's arrest, and Alcantara was subsequently arrested.
7. I did not testify before the grand jury, nor did I provide any written materials to the grand jury. I played no role in the decision to indict Alcantara, nor did I have any role in the arrest of Alcantara or the decision to prosecute Alcantara. I was not even aware that Alcantara had been arrested until I learned of this lawsuit in 2007. Apart from approving the Reports of Investigation described above, I played no role in the investigation, indictment, arrest, or prosecution of Alcantara.
8. I acted reasonably and believed in good faith that my actions were lawful during my role in the investigation described above.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: August 8, 2008

  
NICHOLAS CARUSO